

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

January 20, 2005
Memorial Hall, 3rd Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Allan White, Lawrence Roy, John Skarin, Dennis Demers, Priscilla Ryder-Conservation Officer

Absent: Donald Rider, Jr.

Minutes Minutes of May 20, Dec. 2 and Dec. 16, 2004 were unanimously approved.

Public Hearing(s)

Notice of Intent

30-40 Crystal Brook Way - Crystal Brook Condominium

Tony Chiarelli of RMX Northeast, Inc. was present representing the Crystal Brook Condominium Association. Al Libby was also present as a Trustee of the Crystal Brook Condo. Association. Mr. Chiarelli explained that one of the retaining wall/slopes behind building #64 needs to be repaired. This repair work is similar to that done last year on one of the other buildings. All the patios will be removed. The wall will be removed and replaced with stone, filter fabric and sand. The toe and top of slope have been measured from the building and no work is proposed beyond the toe of the slope except the erosion controls. The Commission required that the erosion controls consist of haybales and silt fencing. No tree cutting is required although a few shrubs will need to be removed. The Commission required that the limit of work be staked and inspected by the Conservation Officer before any work begins. A phasing plan was presented and reviewed by the Commission. Al Libby explained that the Condominium Assoc. is hopeful this is the last wall that will need repair. After some discussion the Commission voted to close the hearing. A draft Order of Conditions will be prepared for the next meeting on February 3rd for review.

Notice of Intent - Continuation of Public Hearing

180 Farm Rd. (Davis Estates) - Robert Valchuis

Brandt Wajda of Guerriere & Halnon was present and represented Mr. Robert Valchuis, the owner, who was also present. Mr. Wajda presented the Commission with a revised plan dated revised 1-20-05 and a letter of the same date to the Conservation Commission outlining the changes and providing answers to the questions the Commission posed at the last meeting. In addition, a proposed Construction Sequencing for "Davis Estates" also dated 1-20-05 was provided for review along with Form 11 – Soil Evaluator Forms. The "Operation and Maintenance for Davis Estates" dated revised 1-20-05 was also submitted and reviewed.

Mr. Wajda went over the letter's twelve items, which are in the file. The Commission discussed item #7 regarding the pipe to be replaced under the roadway from the pond. Mr. Valchius explained that the existing pipe has a valve that regulates the outlet of the pipe. The Commission asked that more detail be provided on this pipe to ensure that the replacement pipe will replace the existing pipe so as to maintain the existing pond elevation. The plans need to provide a detail on the existing drain pipe and valve and show the new pipe outlet as well. In addition a more detailed construction sequence is needed to determine how the new pipe will be installed and what controls will be placed at the pond and pond water elevation during construction to prevent any washouts or flooding problems. The pond elevation during construction will also need to be determined. If the pond needs to be drained substantially then information on the aquatic habitat impacts must be provided.

Brandt Wajda also explained that he has not received the wetland replication area report and sequencing plan from Judy Schmitt who is doing this work for them. He will have this for the next meeting.

The Commission reviewed the construction sequencing steps outlined in the handout provided. Mr. Wajda explained that there are still some changes to the plan, which he is working on, as required by Tom Temple from the Engineering Department. After some further discussion about drainage on lots 7 & 8 and ways to limit tree clearing during the roadway work, the Commission with the applicants consent continued the hearing to the February 3rd meeting to allow the applicant time to address the outstanding issues as noted.

Notice of Intent

Fairfield Development, LP – Off Site Sewer project

Ian Catlow and Ed Hutchinson of Rizzo Associates were present and are representing Fairfield Development. Mr. Catlow explained that as part of the ZBA Comprehensive Permit and the sewer permit for the city, Fairfield is required to make some changes to the existing sewer system to divert some sewerage from the Westerly Wastewater Treatment Plant to the city's Easterly Wastewater Treatment Plant. Sewer line replacement from gravity sewer lines to force main lines and visa versa are to make this change. Work is proposed in Williams St. and Stearns Rd. Pump station upgrades are required in Stearns Rd. and on Maple St. All work is being done within the roadway and no wetland impacts are proposed. All work within the pump stations will be done within the enclosed fencing, no vegetation or disturbance will occur outside these enclosures. Mr. Catlow explained that no dewatering is expected, however Mr. Demers noted that on Williams St., based on his experience, they will be encountering ledge and on Stearns Road they will be encountering high ground water. He suggested that a dewatering plan be in place since this is what they are likely to encounter. Therefore, the dewatering plan must be identified prior to the

pre-construction meeting. The plans should show erosion controls to protect the wetlands and drainage structures. The Commission required a strict protocol to sweep the streets and control all material stockpiles every evening and make sure mud is not washed down into the wetland during construction. Mr. Catlow explained that these are outlined on the plan. After some discussion, the Commission voted to close the hearing. A draft Order of Conditions will be reviewed at the next meeting on February 3, 2005.

Discussion

- 2004 Accomplishments - 2005 Goals
The Commission reviewed this list and added the need for an annual review of conservation land management rules and regulations. It was agreed that this will be done annually in September of each year. The Commission approved the goals for 2005.
- Wetlands Ordinance – The Commission selected Lawrence Roy, Donald Rider and Priscilla Ryder to be on a sub-committee to review the draft ordinance and report back to the Commission with recommendations.
- DEP 212-802 Interim detention basin as-built plan - Crowley Dr. The Commission asked that this document be sent to the Engineering Department for review and comment.
- Snowmobiles at Desert Conservation Land & Felton Conservation Land - Ltr. from Joe Delano dated Jan. 10, 2005
Chairman Clancy acknowledge receipt of the above noted letter and asked Mr. Delano who was in the audience, to provide a summary. Mr. Delano explained that during a snowshoe visit to the Desert Conservation Area, he was almost run over by a snowmobile and felt that the snowmobiles distracted from his enjoyment of this conservation land, as the snowmobiles are loud and smelly. He wondered if the Commission would reconsider it's snowmobile policy on this property. The Commission discussed this at length and agreed that when the policy was set, it was before the area received so much "passive recreation" use. The trails are rather narrow and don't allow for foot traffic and snowmobiles at the same time. The Commission agreed to hold a public meeting on February 3, 2005 to have a formal publicized discussion on this rule to allow others who might be interested to attend the meeting and provide their input. The meeting will be posted at the City Clerks office and at the kiosk at the Desert. Mr. Roy explained that snowmobiles have also been using the Felton Conservation Land which is prohibited. Better enforcement is needed. Ms. Ryder will be in touch with the Marlborough Police Chief.

Draft Order of Conditions

- DEP 212-953 250 Locke Dr. (John Skarin abstained from this discussion due to a conflict of interest). The Commission reviewed the draft Order of Conditions for this project. Dennis Demers asked whether the Commission could assess additional fines for this violation. He noted that even though the applicant filed the Notice of Intent (NOI) after the violation had taken place per the violation notice and is planning to do some restoration, there is no incentive for this developer or any others to avoid violations in the future. The Commission determined that based on the following evidence: (1) First Colony Development was made aware of a possible violation by the city's electrical inspector and were asked to contact the Conservation Commission and report such violation; and (2) the Conservation Officer was on vacation and no call had been received in the Conservation Office when she returned 5 days later. The Commission agreed that daily fines should be assessed for the 5 days First Colony Development neglected to contact the Commission. The Commission voted 4-0 (Allan White abstained from this vote) to issue a \$500 fine for this violation. The Commission then reviewed the draft Order of Conditions and voted 5-0 to accept the Conditions as written.

Certificate(s) of Compliance

- DEP 212-258 and 212-301 Country Club Estates (Full Certificates) – The Commission is still waiting for a report from the Engineering Department on the acceptability of this as-built plan.
- DEP 212-258 304 Robert Rd. (Lot 24) - As this lot is not near any wetlands, the Commission voted 6-0 to issue a Partial Certificate of Compliance.
- DEP 212-313 32 Draper Circle – This is an old Order of Conditions which has already received a Partial Certificate of Compliance which apparently had not been recorded. The owner is trying to pass papers and needs a new Partial Certificate of Compliance. The Commission voted 6-0 to re-issue a Partial Certificate of Compliance.

Correspondence: The following correspondence were reviewed and the Commission unanimously voted to accept and place the following documents on file:

- Ltr. from Waste Management dated Dec. 22, 2004 RE: 791 and 785 Boston Post Rd. Response to Dec. 7, 2004 letter.
- Ltr. from Dept. of the Army dated Dec. 22, 2004 RE: Intersection of Raymond Rd. and Melody Ln. determination of jurisdiction for wetlands areas
- E-mail from Maureen Mongeau dated Jan. 3, 2005 RE: Photo album from Maureen: View my online photos
- Ltr. to Garrett Tunison-Wetland Scientist dated Jan. 7, 2005 RE: DEP 212-806; Solomon Pond Corporate Center 2004 Annual Report
- Ltr. to Steven Godere - Eagle Scout dated Jan. 11, 2005 RE: Completed Eagle Scout Project-Holts Grove warming hut
- Land Management Plan for the Watersheds of the Sudbury Reservoirs: 2004-2013. Will be on a routing slip to each member.

Other Business

- DEP212-802 Crowley Dr. - Ms. Ryder reported that there had been some problems at this site after the rain storm on 1-14-05. The problems have been addressed and appear to be under control. Some e-mails and memos regarding the Crowley Dr. detention basin had been received from Mr. Mongeau and Mr. Saluk regarding this event. Chairman Clancy asked that these be put on the next agenda for consideration.

- 791 and 785 Boston Post Rd. – Ms. Ryder reported that there continues to be runoff problems at this location, which Waste Management and Post Rd. Auto are addressing. She will keep the Commission posted on the outcome.

Adjournment

There being no further business the meeting was adjourned at 9:25 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer